

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-17 are presently pending in the present application.

In the Office Action, claims 1-17 were rejected under 35 U.S.C. §102(a) as being anticipated by *Mimura et al.* (Investigative Ophthalmology & Visual Science, September 2004, Vol. 45, No. 9, pp. 2992-2997) as evidenced by *Inoue et al.* (Investigative Ophthalmology & Visual Science, 1993, Vol. 34, No. 7, pp. 2313-2315).

The Applicants note that *Mimura et al.* was published in September of 2004. However, the present application claims foreign priority to JP 2004-41874, which was filed on February 18, 2004, prior to the publication of *Mimura et al.* Furthermore, the Applicants have previously submitted a certified copy of JP 2004-41874, and are submitting concurrently herewith an English language translation of the foreign priority document for the present application, thereby perfecting foreign priority. Thus, the foreign priority date of the present application antedates *Mimura et al.*, and the claim to foreign priority has been perfected, thereby removing *Mimura et al.* as prior art. (See, e.g. MPEP §706.02(b) and §2136.03 I.)

Accordingly, the Applicants submit that the anticipation rejection has been rendered moot, and thus the Applicants respectfully request the withdrawal of the anticipation rejection of claims 1-17.

As there are no additional rejections, the Applicants submit that the application is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9957 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

/Christopher D. Ward/

Christopher D. Ward
Attorney/Agent for Applicant(s)
Reg. No. 41,367

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9957
Fax. (703) 519-9958